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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/137,351	09/13/97	DITZIK	

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LN51/1004

EXAMINER

LAO.I

ART UNIT	PAPER NUMBER
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2778

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DATE MAILED: 10/04/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/937,258

Applicant(s)

Richard Ditzik

Examiner

LAO, LVN-YZ

Group Art Unit

2778

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 7-12-99.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-42 is/are pending in the application.
- Of the above claim(s) 1-34 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 35-42 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 42 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification fails to disclose the support arm position adjustment means without actuators as cited in claim 42, lines 12-13.

Claim Objections

3. Claims 35-41 are objected to because of the following informalities:

In claim 35, line 7, "display" should be deleted and "." should be changed to -- ; --.

Appropriate correction is required.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 35 and 38-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Failla(5,128,662).

As to claim 35, Failla teaches a display monitor for a user to rest the monitor on a horizontal surface of a desk comprising a flat panel display assembly including a display screen(910 or 710) and associated display electronics(914 or 746)(see figures 37, 49; column 13, lines 54-66 and column 15, lines 21-27); a control electronics means electrically interfaced to the flat panel display electronics(see figures 1-2 and column 6, lines 30-42); a support hinge means(947) physically connected to the flat panel display assembly; a multi-section telescoping post-like structure(902 or 730) attached to the support hinge means for the flat panel display assembly can be pushed down and pulled up by the user; a base unit(905)(see figures 37 and 49; column 13, lines 54-66; column 14, lines 60-68 and column 15, lines 1-27).

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As to claims 38-39, Failla teaches a display monitor having a support hinge means(947) for adjusting an azimuth angle to a desired position by hand(see figure 49).

6. Claim 42 is rejected under 35 U.S.C. 102(b) as being anticipated by Makita(4,859,092).

Makita teaches a display system for a user has the option to rest the monitor on a desk comprising a flat panel display assembly defining a display screen(23) and display electronics(portable computer)(see column 1, lines 7-13); a control electronics means electrically interface to the flat panel display assembly drive electronics; an input output means electrically interfaced to the control means(portable computer(see column 1, lines 7-13); a first support hinge pair means attached to the flat panel display assembly; a support arm(19) position adjustment means attached to the first support hinge pair means and a second support hinge pair means attached to the bottom of the support arm(19) and a base unit(13) resetting on the horizontal surface(see figures 1-2 and 13; column 2, lines 39-64; column 3, lines 20-33 and column 7, lines 1-30).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Failla(5,128,662).

As to claim 36, Failla teaches the telescoping post-like structure(902 or 730) having a force actuator means for applying a vertical upward force(see figures 37 and 49). It would have been obvious to have a force actuator means approximates the weight of the display panel assembly and the support hinge means since the display(910 or 710) could be stably support by the telescoping post-like structure(902 or 730)(see figures 37 and 49).

9. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Failla in view of Berry(4,864,601).

Failla fails to disclose a telephone means. Berry teaches a display system comprising a telephone (12)(see figure 1 and column 4, lines 4-14). It would have been obvious to have modified Failla with the teaching of Berry, so as to provide a telephone communication on a computer system.

10. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Failla in view of Herron et al(5,196,993).

Failla teaches the flat panel display assembly and the microcomputer system can be removable(see figures 27-28 and column 11, lines 25-64). Failla fail to disclose a battery power supply.

Herron et al teach a display system comprising a battery(16)(see figure 1 and column 4, lines 17). It would have been obvious to have modified Failla with the teaching of Herron et al,

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since Failla has disclosed a power source(see Failla's column 6, lines 24-26) and a battery power supply could be easy for a user to carry around.

11. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Failla in view of Vance(4,606,628).

Failla fails to disclose a universal hinge means. Vance teaches a display system comprising a universal hinge(38, 40)(see figures 1, 3 and column 3, lines 25-39). It would have been obvious to have modified Failla with the teaching of Vance, since Failla's hinge(947)(see figure 49) has the same function as a universal hinge.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Margaritis et al teach a portable computer comprising a telescoping structure(23, 25).

Miinscher teaches a display system comprising a support arm(3).

13. Applicant's arguments with respect to claims 35-42 have been considered but are moot in view of the new ground(s) of rejection.

14. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

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(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA.,

Sixth Floor (Receptionist).

15. Any inquiry concerning this communication should be directed to Lun-yi, Lao at telephone number (703) 305-4873.

September 24, 1998

Lun Yi Lao
Lun-yi, Lao

Lun-Yi Lao
Primary Examiner